

**A CERTIFIED TRUE COPY**

NOV - 8 2005

ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONFILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LAJUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

OCT 21 2005

2005 NOV 14 PM 12: 51

FILED  
CLERK'S OFFICE

DOCKET NO. 1657

LORETTA G. WHYTE  
CLERK**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE VIOXX PRODUCTS LIABILITY LITIGATION****(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-28)**

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,862 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, 360 F.Supp.2d 1352 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

*Michael J. Beck*Michael J. Beck  
Clerk of the PanelInasmuch as no objection is  
pending at this time, the  
stay is lifted.

NOV - 8 2005

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONCLERK'S OFFICE  
A TRUE COPY

NOV 22 2005

Deputy Clerk, U.S. District Court  
Eastern District of Louisiana  
New Orleans, LA

05 DEC 13 PM 3:07  
FILED  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
NEW ORLEANS, LA

Fee	
Process	
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Doc. No.	

(11)

**UNITED STATES DISTRICT COURT**

WESTERN DISTRICT OF TENNESSEE

THOMAS M. GOULD  
CLERK OF COURT

JACKSON (731) 421-9200  
FAX (731) 421-9210

December 22, 2005

Ms. Loretta G. Whyte, Clerk  
United States District Court  
500 Poydras St., Ste. C-151  
New Orleans, LA 70130

RE: Case #05-1255, Paslay v. Merck, ED of LA #05-3902 L (3)  
#05-1169, Thomason v. Merck, ED of LA #05-3900 L (3)

Dear Ms. Whyte:

Pursuant to the Orders of Transfer on the above-styled cases, please find enclosed a certified copy of the Notice of Removal, lower court complaint, docket sheet, MDL transfer order and a copy of the transfer letter to the transferor court, for each case. Please indicate receipt of this correspondence on the enclosed copy of this letter and return to our office in the enclosed self-addressed stamped envelope. Thank you.

THOMAS M. GOULD, CLERK

By:



Emily J. Smith  
Case Manager

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA  
OFFICE OF THE CLERK

LORETTA G. WHYTE  
CLERK

500 POYDRAS ST., ROOM C-151  
NEW ORLEANS, LA 70130

December 7, 2005

Robert DiTrollo, Clerk  
United States District Court  
Western District of Tennessee  
111 S. Highland  
Jackson, TN 38301

RECEIVED  
05 DEC 13 PM 3:12  
THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, JACKSON

In Re: MDL 1657 Vioxx Products Liability Litigation      Your Case No. C.A. 1:05-1269 Janie A.  
Thomason v. Merck & Co., Inc.  
Our Case No. C.A. 05-5680 L (3)

Dear Mr. DiTrollo:


Enclosed is a certified copy of a transfer order received from the Multidistrict Litigation Panel in Washington, D.C. It instructs that the case listed above be transferred to our district for disposition pursuant to Title 28 USC 1407, as soon as possible. Our office has assigned a new civil action number to this case as referenced above.

**DO NOT FORWARD THE ORIGINAL RECORD.** The Honorable Eldon E. Fallon, U.S. District Court Judge issued an order directing that the transfer of records consist of only a certified copy of the complaint (including notice of removal, if applicable), any amendments, the docket sheet and the MDL Transfer Order, together with a copy of the transfer letter be forwarded to the transferor court.

**Due to the high volume of cases involved in this litigation please provide paper copies of the above documents instead of simply referring to your website.**  
Your prompt attention in this matter is greatly appreciated.

Should you have any questions regarding this request, please contact Dina Guilbeau at (504)589-7704.

Very truly yours,  
Loretta G. Whyte, Clerk

By   
Deputy Clerk

05-1269  
Enclosures

cc: Judicial Panel on Multidistrict Litigation

## SCHEDULE CTO-28 TAG-ALONG ACTIONS (MDL-1657)

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>	<u>EDLA</u> <u>SECT. L/3</u>
<b>TENNESSEE EASTERN</b>		
TNE 1 05-258	Linda Humphries, etc. v. Merck & Co., Inc.	05-5672
TNE 1 05-260	Linda M. Farrow, et al. v. Merck & Co., Inc.	05-5673
TNE 2 05-248	Patsy K. Presnell, et al. v. Merck & Co., Inc.	05-5674
TNE 2 05-249	Mark Hall, et al. v. Merck & Co., Inc.	05-5675
TNE 2 05-250	Norma R. Cornwell v. Merck & Co., Inc.	05-5676
TNE 2 05-251	Larry Mercer, et al. v. Merck & Co., Inc.	05-5677
TNE 2 05-253	Jerry B. Gilmer, et al. v. Merck & Co., Inc.	05-5678
<b>TENNESSEE MIDDLE</b>		
TNM 3 05-727	Eugene Frontauria v. Merck & Co., Inc.	05-5679
<b>TENNESSEE WESTERN</b>		
TNW 1 05-1269	Janie A. Thomason v. Merck & Co., Inc., et al.	05-5680
<b>TEXAS SOUTHERN</b>		
TXS 2 05-474	Amelia Villarreal, et al. v. Merck & Co., Inc.	05-5681
TXS 4 05-3272	Muriel L. Hawthorne v. Merck & Co., Inc.	05-5682
<b>UTAH</b>		
UT 2 05-773	Gary H. Bird, etc. v. Merck & Co., Inc.	05-5683
<b>WASHINGTON EASTERN</b>		
WAE 2 05-5092	Richard Lawrence, et al. v. Merck & Co., Inc.	05-5684



## Notice of Distribution

This notice confirms a copy of the document docketed as number 11 in case 1:05-CV-01269 was distributed by fax, mail, or direct printing on December 22, 2005 to the parties listed.

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Honorable James Todd  
US DISTRICT COURT